

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LINDA FAIRSTEIN,)	
)	
Plaintiff,)	
)	Case No. 20-cv-8042 (PKC)
v.)	
)	
NETFLIX, INC., AVA DUVERNAY, and)	
ATTICA LOCKE,)	
)	
Defendants.)	
)	

**NOTICE OF PLAINTIFF’S MOTION FOR SANCTIONS
AGAINST DEFENDANT AVA DUVERNAY DUE TO
SPOILIATION OF EVIDENCE**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Kara L. Gorycki, dated January 5, 2023, and the exhibits appended thereto, and the Memorandum of Law, Plaintiff Linda Fairstein, by and through her undersigned counsel, will move this Court before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 11D, for an order, pursuant to Federal Rules of Civil Procedure 33(b)(3), 37(b)(2) and the Court’s discretion, (i) drawing an adverse inference against Ms. DuVernay that the books Ms. DuVernay destroyed contained markings or notations which evidenced actual malice; and (ii) finding that Ms. DuVernay’s selective destruction of her research materials constitutes evidence of actual malice, along with such other and further relief as the Court deems just and proper.

Dated: New York, New York
January 5, 2023

Respectfully submitted,

By: /s/ Kara L. Gorycki
Kara L. Gorycki (KG 3519)
Andrew T. Miltenberg (AM 7006)
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Attorneys for Plaintiff Linda Fairstein

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2023, a true and correct copy of the foregoing was served by CM/ECF on all counsel of record.

/s/ Kara L. Gorycki